

OFFICIAL COUNCIL PROCEEDINGS

A regular meeting of the City Council of the City of Menomonie, Dunn County, Wisconsin, was held in open session on June 3, 2013, and called to order by Mayor Knaack at 7:00 p.m. in the City Council Chambers. The following members were present: Luther, Traxler, Sutherland, Dickmann, Riedel, Schwebs, Solberg, Cruz, Beety, and Mercil. Brown was absent.

MOTION was made by Dickmann, seconded by Luther, and carried to approve the minutes of the May 20, 2013 meeting.

PUBLIC HEARINGS – Mayor Knaack announced time for the public hearing regarding the request from Rooney Properties (Whisper Ridge) for a zoning ordinance amendment from Single Family Residential District to Multiple-Family Residential District, and an amendment to the Whisper Ridge Planned Unit Development (PUD). Mitch Ogden, Bridget Schroeder, Melissa Mellinger, Scott Viner, Morgan Schroeder, Mike Lauer, Brent Creaser, Debbie Harmon and Sandy White spoke in opposition to the proposed change to the zoning ordinance, and the proposed amendment to the PUD. The hearing was declared closed.

Mayor Knaack announced time for the public hearing regarding off street bicycle parking spaces. No one spoke and the hearing was declared closed.

PUBLIC COMMENTS – Katherine Dutton, representing Stepping Stones of Dunn County, announced that Julie Bendel, Heidi Hooten, and she were available to answer questions relating to the request from Stepping Stones to locate a homeless shelter in the city.

ORDINANCE – MOTION to waive the first reading of the ordinance amending the zoning for a portion of the Whisper Ridge Planned Unit Development (PUD) located northwest of the 550th Street intersection with 510th Avenue (in the southeast corner of Menomonie) from Single Family Residential District to Multiple-Family Residential District was made by Beety, seconded by Cruz, and carried. MOTION to waive the second reading was made by Mercil, seconded by Solberg, and carried. MOTION to deny the rezoning ordinance was made by Beety, seconded by Cruz, and carried unanimously on roll call vote.

MOTION was made by Beety, seconded by Traxler, and carried unanimously on roll call vote to deny the request from Rooney Properties to amend the Whisper Ridge PUD.

ORDINANCE – MOTION to waive the first reading of the ordinance regarding requirements and design standards for off street bicycle parking spaces was made by Cruz, seconded by Beety, and carried. MOTION to waive the second reading was made by Solberg, seconded by Riedel, and carried. MOTION to adopt the ordinance was made by Mercil, seconded by Beety, and carried unanimously on roll call vote.

DISCUSSION – occurred relating to what would be required and the process to locate a homeless shelter in the City. MOTION was made by Solberg, seconded by Cruz, and carried to suspend the rules to hear from Stepping Stones representatives. Katherine Dutton, Heidi Hooten and Julie Bendel answered questions from the Council relating to their request for the shelter. MOTION was made by Beety, seconded by Cruz, and carried to form a committee to look into the zoning issue and forward their recommendation to the City Council and Plan Commission. The Committee will consist of one person from Stepping Stones, three City Council members (Susan Beety, Andrew Mercil and Lynn Dickmann), and one member from the Plan Commission.

RESOLUTION NO. 10 was introduced and moved for adoption by Beety, seconded by Cruz, and carried acknowledging review and approval of the Sewer Utility 2012 Compliance Maintenance Annual Report (CMAR).

ORDINANCE regarding cross connection control and backflow prevention was introduced by Solberg. MOTION to waive the first reading of the ordinance was made by Solberg, seconded by Cruz, and carried. MOTION to waive the second reading was made by Beety, seconded by Traxler, and carried. MOTION to adopt the ordinance was made by Solberg, seconded by Luther, and carried.

ORDINANCE regarding well abandonment and well operation was introduced by Schwebs. MOTION to waive the first reading was made by Solberg, seconded by Riedel, and carried. MOTION to waive the second reading was made by Luther, seconded by Traxler, and carried. MOTION to adopt the ordinance was made by Schwebs, seconded by Solberg, and carried.

PRELIMINARY RESOLUTION NO. 11 authorizing the City Engineer to prepare plans and specifications and cost estimates for sidewalk reconstruction on the following streets was introduced by Beety.

- 6th Avenue (south side, 9th Street to 13th Street)
- 12th Street (west side, Main Street to 4th Avenue)
- 12th Street (east side, 6th Avenue to 5th Avenue)
- 11th Street (west side, 4th Avenue to 80 feet south)
- 516 11th Street

MOTION to adopt the preliminary resolution was made by Cruz, seconded by Luther, and carried unanimously on roll call vote.

MOTION was made by Schwebs, seconded by Solberg, and carried unanimously on roll call vote to sell Lot 7, Certified Survey Map 1476 (Volume 6 of Survey Maps, Page 26) and Lot 19, Certified Survey Map 3974 (Volume 19 of Survey Maps, Page 84) to Hidden Valley Commercial Properties LLC for \$38,000.00 subject to a development agreement with Hidden Valley Commercial Properties LLC that includes a deed restriction establishing a 200 foot wide No Build Area centered on the extended centerline of the north/south airport runway and a 5 year re-purchase requirement if certain conditions are not met.

APPOINTMENTS – MOTION was made by Traxler, seconded by Dickmann, and carried to approve the Mayor’s recommendation and appoint Mary Solberg and Joanie Dulin to the Parking Utility Commission for three year terms - through December 2015.

BUDGET – MOTION was made by Solberg, seconded by Beety, and carried unanimously on roll call vote to approve the transfer of \$575.00 from Water Utility – Transmission & Distribution Lines Exp. 61.66200.226 Repairs to Water Utility – Misc. General Expense 61.93000.439 Schools & Conferences.

MOTION was made by Cruz, seconded by Dickmann, and carried unanimously on roll call vote to accept the offer of \$40.00 from Lynn Niggemann for the surplus Bretford Series 100 Commentator Screen.

COMMUNICATIONS – The agenda packet included the April activity report from the Building Inspection department, and notice that the next Joint Cities meeting will be held on July 31, 2013 in Bloomer.

CLAIMS - MOTION was made by Solberg, seconded by Traxler, and carried unanimously on roll call vote to approve payment of the following claims:

<u>Claims</u>	
Cedar Corporation	\$ 26,777.89
First Supply	1,107.44
Haas Sons, Inc.	235.94

Rescue Essentials	695.25
Schofield, Higley & Mayer, S.C.	8,321.81
Union Pacific Railroad Co.	50,000.00
Veterans Service Office	50.00
WI Dept. of Transportation	9,859.41

LICENSES – MOTION was made by Schwebs, seconded by Traxler, and carried to approve the licenses, as presented:

Licenses (expiring June 30, 2013):

CLASS “B” BEER & “CLASS C” WINE and CABARET (June 4, 2013 – June 30, 2013):
Apothecary Cafe, LLC (Apothecary Cafe – 1414 9th St. E.) **SUBJECT TO PROVIDING A COPY OF THE WISCONSIN SELLERS PERMIT; AND AGENT SUBJECT TO COMPLETION OF THE BTC.**

LICENSE YEAR - 2013 / 2014 - (expires June 30, 2014)

CLASS “A” BEER:

Cedar Country Cooperative (Cenex East – 2021 Stout Rd);
Kwik Trip, Inc. (Kwik Trip 498 – 1213 S. Broadway);
Kwik Trip, Inc. (Kwik Trip 674 – 6107 3M Dr.);
The Menomonie Food Co-op (Menomonie Market Food Co-op – 521 Second Street E.);
Northern Tier Retail LLC (SuperAmerica #4482 – 1708 N. Broadway);
Northern Tier Retail LLC (SuperAmerica #4483 – 1903 Stout Rd.);
Northern Tier Retail LLC (SuperAmerica #4484 – 2020 S. Broadway);
S/S/G Corporation (SSG Holiday - 1805 North Broadway);
Wal-Mart Stores East, LP (Wal-Mart Supercenter #1819 – 180 Cedar Falls Road).

CLASS “A” BEER & “CLASS A” LIQUOR:

Fallen Oaks of Menomonie, LLC (Junction Liquor - 2521 Hils Court, Suite L);
Teresa J. Kado (Kado Frame & Fine Arts - 712 N. Broadway);
Lammer’s Foods, Inc. (Lammer’s Food Fest – 1408 9th St);
Marketplace Foods Menomonie, Inc. (Marketplace Foods Menomonie - 207 Pine Avenue W.);
First Tee Mulligan, LLC (Riverside Liquor – 116 11th Ave. W.).

CLASS “B” BEER:

China Buffet Menomonie, Inc. (China Buffet - 2421 Hwy. 25 N., Suite 108);
Jeffs Pizza Shop, LLC (Jeffs Pizza Shop – 145 E. Main Street);
T J Food Service LLC (Perkin’s Restaurant & Bakery – 1720 N. Broadway);
G & P Pizza, Inc. (Ted’s Pizza Palace – 306 Main St).

CLASS “B” BEER & “CLASS C” WINE:

Cedar Country Cooperative (Exit 45 Restaurant & Bakery – 2100 County Road B);
D J Fedderly Management Consultant LLC (The Raw Deal – 603 S. Broadway).

CLASS “B” BEER & “CLASS B” LIQUOR:

Apple Minnesota LLC (Applebee’s Neighborhood Grill & Bar – 2303 State Hwy. 25 North);
Ambika Corporation (Econolodge Inn & Suites – 1815 North Broadway);
B.D.J. of Menomonie, Inc. (The Great Escape – 2909 Bongey Dr.) – Subject to Final Inspection;
Broz Tavern, LLC (Broz Tavern – 315 & 321 Main Street) – Subject to Final Inspection;
Cancun Mendez Nunez, LLC (Los Cabos – 2401 Hwy. 25 North, Unit 202);
Cancun Mexican Grill of Menomonie, LLC (Cancun Mexican Grill – 1919 Stout Road);
R.G. Budinger, Inc. (Chippewa Valley Golf Club – 2200 Crestwood Dr.);
JMDavis, LLC (Waterfront Bar & Grill - 512 Crescent St.) – Subject to Final Inspection;
Judith A. Probst (Skoog’s Parkside – 932 N. Broadway);
Lakeside Bar, Inc. (Dean & Sue’s – 2002 Midway Road) – Subject to Final Inspection;
Lakeside Lounge, Inc. (Lakeside Lounge – 614 Main Street E.) – Subject to Final Inspection;
Log Jam, Inc. (Log Jam, Inc. – 709 South Broadway) – Subject to Final Inspection;
Loren Corp. (The Pickle – 631 S. Broadway) – Subject to Final Inspection;
Menomonie Lodge No. 1584, Loyal Order of Moose, Inc. (Menomonie Moose Lodge 1584 – 720 19th Ave. E.);
North Broadway Holdings, Inc. (Denny’s – 1827 N. Broadway);

Thomas F. Morrow (The Den – 613 S. Broadway) – Subject to Final Inspection;
Northfield Restaurant Corp. (Pizza Hut – 2307 Hwy 25 N.);
Olde Towne Menomonie, LLC (Olde Towne Menomonie, LLC – 903 Cedar Falls Road);
JMDavis, LLC (The Market – 545 S. Broadway) – Subject to Final Inspection;
Marcia E. Scholfield (The Pub - 516 South Broadway) – Subject to Final Inspection;
Multiple Mulligans, LLC (Shoe's Pub – 1321 N. Broadway) – Subject to Final Inspection;
RJM Johnson, Incorporated (Zanzibar - 228 Main Street E.);
Red Cedar Brewing LLC (Das Bierhaus – 120 6th Ave. W.);
Red Cedar Wine Bar LLC (Red Cedar Wine Bar LLC – 1705 Plaza Drive);
The Abbey Pub LLC (The Abbey - 414 Main St. E.) – Subject to Final Inspection;
The Mabel Tainter Literary, Library and Educational Society (Mabel Tainter Center for the Arts – 205 Main Street East);
Tom & Jo's, Inc. (Tom & Jo's - 1401 Tainter Street) – Subject to Final Inspection;
WMJ, Inc. (Flame Lounge – 619 S. Broadway) – Subject to Final Inspection;
Yort, Inc. (Kahootz – 336 Main Street) – Subject to Final Inspection.

CABARET:

Ambika Corporation (Econolodge Inn & Suites);
B.D.J. of Menomonie, Inc. (The Great Escape);
Broz Tavern, LLC (Broz Tavern);
Cancun Mexican Grill of Menomonie, LLC (Cancun Mexican Grill);
JMDavis, LLC (Waterfront Bar & Grill);
Lakeside Bar, Inc. (Dean & Sue's);
Log Jam, Inc. (Log Jam, Inc.);
Loren Corp. (The Pickle);
Menomonie Lodge No. 1584, Loyal Order of Moose, Inc. (Menomonie Moose Lodge 1584);
Multiple Mulligans, LLC (Shoe's Pub);
Olde Towne Menomonie, LLC (Olde Towne Menomonie, LLC);
The Abbey Pub LLC (The Abbey);
WMJ, Inc. (Flame Lounge);
Yort, Inc (Kahootz).

CIGARETTE:

Amwest, Inc. (Bob & Steve's BP Amoco Shop 2 – 1501 9th Street);
BFR, LLC (Discount Smokes – Menomonie – 1214 N. Broadway);
Cedar Country Cooperative (Cenex East – 2021 Stout Rd);
Cedar Country Cooperative (Cenex South– 1103 South Broadway);
Cedar Country Cooperative (Cenex North – 2320 Hwy 25 North);
Cedar Country Cooperative (Exit 45 Cenex – 2100 County Road B);
Fallen Oaks of Menomonie, LLC (Junction Liquor - 2521 Hils Court, Suite L);
First Tee Mulligan, LLC (Riverside Liquor– 116 11th Ave. W.);
JMDavis, LLC (The Market– 545 S. Broadway);
Kwik Trip, Inc. (Kwik Trip 498 – 1213 S. Broadway);
Kwik Trip, Inc. (Kwik Trip 674 – 6107 3M Dr.);
Lakeside Bar, Inc. (Dean & Sue's – 2002 Midway Road);
Lammer's Foods, Inc. (Lammer's Food Fest – 1408 9th St);
Loren Corp. (The Pickle – 631 S. Broadway);
Marketplace Foods Menomonie, Inc. (Marketplace Foods Menomonie - 207 Pine Avenue W.);
Northern Tier Retail, LLC (SuperAmerica #4482 – 1708 N. Broadway);
Northern Tier Retail, LLC (SuperAmerica #4483 – 1903 Stout Rd);
Northern Tier Retail, LLC (SuperAmerica #4484 – 2020 S. Broadway);
PKC LLC (Buddahs – 117 Main Street);
S/S/G Corporation (SSG Holiday- 1805 North Broadway);
The Abbey Pub LLC (The Abbey - 414 Main St. E.);
Thomas F. Morrow (The Den – 613 S. Broadway);
Walgreen Co. (Walgreens #09514 – 121 Pine Ave. W);
Wal-Mart Stores East, LP (Wal-Mart Supercenter #1819).

MASSAGE THERAPY FACILITY:

Morning Star Birth Services, LLC (Morning Star Women's Health and Birth Center) 321 13th St. SE;
Red Cedar Chiropractic, LLC (Clint Moses), 2321 Hwy 25 N. Suite #6;
Rejuvenate Salon and Spa, LLC (Katie Kersten) 394 Red Cedar Street, #2;
Jill's My Style Studio (Jill L. Williams), 125 Main St. E;

Leissa’s Hair Studio and Day Spa (Leissa Berenschot), 226 Main St., **SUBJECT TO FINAL INSPECTION**;
Menomonie Health & Natural Wellness (Mary Beth Lvoncek), 201 14th Street NE;
Red Cedar Chiropractic, LLC (Clint Moses), 2321 Hwy 25 N. Suite #6, **SUBJECT TO FINAL INSPECTION**;
Time for You Massage & Bodywork, LLC (Linda M. Stark), 390 Red Cedar Street.

OPERATORS: Jake D. Arvold; Melody M. Bagley; Paige C. Borgerson; Richard G. Budinger; David P. Burg; Danielle L. Butchee; Tanya M. Butzler; Joel T. Cali; Linda M. Chase; Lucas M. Chase; Michael J. Choronzy; Vicki L. Christenson; Melanie A. Christiansen; Ruth H. Church; Marcus T. Clare; Sophia L. Cleveland; Carolyn J. Cleven; Shannon R. Cook; W. Joseph R. Couch; Kevin J. Deetz; Andrea N. Degenhardt; Daniel D. Dicks; Ryan S. Dolan; Christopher D. Dusek; Mike G. Dusso; Derek W. Fahl; Amy L. Fick; Gregory J. Fox; Cynthia Franco Castro; Elizabeth L. Freund; Joan M. Friedenfels; Melody H. Gaede; Joshua A. Gage; Chris P. Galetka; Oliver D. Gaston; Timothy W. Gedatus; Richard J. Gilgenbach; Bin W. Guo; Amanda L. Gutsch; Jennifer M. Gutting; Steve J. Halverson; Joel L. Hansen; Kurt D. Hansen; Jonathan M. Hillman; Lois A. Hintzman; Lisa J. Hoff; Elizabeth A. Hoyt; Lori L. Hudson; Jonathan B. Huebener; Sandy J. Jack; Paul A. Jacobson; Jason B. James; Emily E. Janak; Jesse J. Jenson; Chelsea A. Kensinger; Ann L. Kohanek; Kathryn J. Koniar; Rachel S. Kramer; Lucy B. Lammer; Brook S. LaPean; Michael M. LaPean; Chelsea D. Larrabee; Michael J. Lauer; Dean S. Lecheler; Susan M. Lecheler; Erin A. Link; Roger M. Link; Connie M. Lombard; Daniel K. Louis; Ashley K. Matthews; Jennifer A. McMartin; Jodi E. Merrimack; David G. Micek; Hannah R. Mooney; Brenda L. Morlan; Andrew G. Mrdutt; Julie A. Myhre; Toninette E. Oas; Hannah C. Olson; Jordan B. Olson; Jay S. Ouellette; Linda L. Patwell; Jeff A. Peabody; Rochelle D. Pechmiller; Anthony W. Pelke; Jake E. Peters; Theresa A. Peterson; David L. Pfeiffer; Harvey J. Probst; Charlene K. Radle; Rachel A. Razo; Jonas M. Rediske; Clare E. Reusch; Mariana Y. Russell; Rachel L. Sabatke; Kristen D. Schlough; Alysha E. Schmitt; Tammy L. Schneider; Scott D. Seston; Kevin P. Smeltzer; Kristin K. Stein; Adam J. Stewart; Jennifer L. Suckow; Beth A. Topper; Wayne R. Wilson; Tara J. Wolfe. Damon W. Anderson; Derrick J. Arntz; Rebecca L. Austin; Sue Ann F. Babbitt; Mary A. Baskin; Theresa M. Biederman; Victoria E. Blodgett; Danica D. Bonine; Trisha J. Borchardt; Eric T. Brandl; Justin A. Bream; Debra L. Bright; Shayla S. Broeske; Saron M. Bruder; Dale W. Buck; Shane A. Bueling; Jasen L. Bullock; Linda K. Burgraff; Heather L. Byl; Katherine E. Cantwell; Casandra L. Carroll; Michelle A. Chaplinski; James M. Dixon; Lindsey K. Domagala; Bart D. Fansler; Frederic J. Flint; Brittney L. Foss; Blake A. Friedli; Terry T. Gall; Robert W. Giertz; Courtney L. Gosney; Johnna L. Graycarek; Tyler J. Grender; Megan A. Haglund; Heidi L. Halverson; Luke B. Helminski; Dawn D. Hill; Jonathan F. Hill; Kristina M. Hodge; Deborah L. Hoffman; Walter W. Hogg; Janet M. Husby; Vaughn L. Husby; Jesse D. Jensen; Robin J. Johnson; Thomas M. Johnson; Kayla R. King; Katrina M. Knaack; Jonathan D. Koch; Jennifer L. Kohnke; Erin M. Konsela; Gary T. Kostuch; Jamie P. LaPorte; Grace P. Lindstrom; Connie M. Lombard; Richard L. Lund; Tyler J. Mathews; Deanna L. Metcalf; James O. Neikirk; Sarah J. Olson; Rebecca C. Pahl; Christopher R. Parker; Carly V. Pieters; Michael W. Punzenberger; Cynthia L. Rentmeester; Haley R. Ritter; Teresa M. Rosendahl; Ginger R. Rosseter; Samantha M. Ruhl; Marlin W. Severson; Myron M. Siler; Cecelia L. Smith; Chelsie A. Steinmeyer; William F. Swannack; James T. Tilleson; Rachel L. Timmer; Emily M. Tunison; Marcia L. Tuttle; Christopher T. Wakefield; Haley C. Watkins; Shelley A. Watkins; Jeffrey C. Wise; Michelle M. Zahurones; Brittney L. Zenz.

SOLID WASTE COLLECTION:
ProVyro Waste Services, LLC (Joseph Craven & Andrew Holland);
David N. Waterman (Waterman Sanitation);
Advanced Disposal Services Solid Waste Midwest LLC (Advanced Disposal);
Menomonie Disposal Systems, LLC (Douglas Gowland).

FYI - The following Temporary Class “B” Beer license application has been received and issued by the City Clerk (the City Administrator and Mayor have reviewed the applications):

<u>To:</u>	<u>Location:</u>	<u>Date of event:</u>	<u>Event:</u>
Red Cedar Racing Association, Inc.	Dunn Co. Rec. Park	Re-scheduled to 6-22-13 (5-18-13 rained out)	Enduro race

LICENSE HEARING – Mayor Knaack announced time for the hearing to consider the suspension of the combination “Class A” Liquor and Class “A” Beer retail license issued to First Tee Mulligan, LLC (Riverside Liquor) for the sale of intoxicating liquors and fermented malt beverages. Dean Babbitt, representing First Tee Mulligan, LLC, was sworn in by the City Clerk. Mr. Babbitt answered questions relating to the proposed suspension and the corrective actions that he will take with his employees to prevent future violations.

MOTION was made by Traxler and seconded by Luther finding that the facts alleged in the Complaint issued in this matter to be true and to suspend the Combination “Class A” Liquor and Class “A” Beer Retail License for the sale of intoxicating liquors and fermented malt beverages that was previously issued by the City of Menomonie to First Tee Mulligan, LLC (Riverside Liquor, 116 11th Avenue West, commencing on the 4th day of June, 2013, at 2:00 a.m. and terminating on the 7th day of June, 2013, at 6:00 a.m.

After considerable discussion, a motion to call the question was made by Traxler and carried on roll call vote with Riedel and Beety opposed.

ORIGINAL MOTION carried on the following roll call vote: Ayes: Luther, Traxler, Sutherland, Dickmann, Schwebs, Solberg, Cruz and Mercil. Noes: Riedel and Beety.

LICENSE HEARING - Mayor Knaack announced time for the hearing to consider the suspension of the combination “Class B” Liquor and Class “B” Beer retail license issued to Cancun Mexican Grill of Menomonie, LLC, for the sale of intoxicating liquors and fermented malt beverages. Ignacio Infante, representing Cancun Mexican Grill of Menomonie, LLC, was sworn in by the City Clerk. Mr. Infante answered questions relating to the proposed suspension and the corrective actions that he will take with his employees to prevent future violations.

MOTION finding that the facts alleged in the Complaint issued in this matter are found to be true and to suspend the Combination “Class B” Liquor and Class “B” Beer Retail License for the sale of intoxicating liquors and fermented malt beverages that was previously issued by the City of Menomonie to Cancun Mexican Grill of Menomonie, LLC (Cancun Mexican Grill, 1919 Stout Road), commencing on the 4th day of June at 2:00 a.m. and terminating on the 7th day of June, 2013, at 6:00 a.m. was made by Cruz, seconded by Solberg, and carried on the following roll call vote: Ayes: Luther, Traxler, Sutherland, Solberg, Cruz and Mercil. Noes: Dickmann, Riedel, Schwebs and Beety.

MOTION to adjourn was made by Cruz, seconded by Solberg, and carried.

JoAnn L. Kadinger, City Clerk